



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

Board Meeting Minutes
April 17, 2007

The April 17, 2007 meeting of the Board of Physical Therapy Examiners was called to order at 1:20 p.m. by Chairperson, Margery F. Rodgers, PT.

Present: Jill Kuramoto, PT, Vice Chairperson
Shirley Leeper, PTA, Board Member
Donald Novak, PT, Board Member
Louis Rosedom Boyd, Consumer Board Member

Absent: B. Darren Burns, Esquire, Consumer Board Member
Stephen D. Ryan, PT, Board Member

Also Present: Ann E. Tyminski, Executive Director
Joy Aaron, Administrative Officer
Ernest Bures, Compliance Manager
Patrick Rooney, Investigator
Linda Bethman, AAG, Board Counsel
Lori A. Mizell, PT
Janice Hill, PT
PTA Students from Chesapeake Consortium PTA Program
David Thomas, PT, Program Manager Chesapeake Consortium

The minutes of the March 20, 2007 meeting were reviewed and approved with a correction regarding Texas APTA course approvals.

Minutes

The application of Maria Cecelia P. Tarbon was reviewed because staff felt there was reason to doubt that the photos submitted on the application and the one received from TOEFL were the same person. The investigators were tasked with trying to resolve this discrepancy.

Applications

The application of Lillemor C. Schou, who was educated in Sweden and who has been licensed in Virginia since 1976 was reviewed. Ms. Schou explains that her school in Sweden is closed and she is unable to obtain documents to support her education. The Board has directed that Ms. Schou arrange for copies of the documents submitted to Virginia be sent to this office for review.

The Board voted Margery F. Rodgers, PT as delegate to the FSBPT Annual Meeting to be held in Memphis, TN in September. Shirley Leeper, PTA was voted the alternate delegate. Mrs. Tyminski will go as the Administrator funded by the FSBPT and Ms. Aaron will attend as staff of the Board. Mr. Ryan will be asked whether

FSBPT

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He wishes to attend the FSBPT annual meeting. Ms. Rosedom-Boyd requested that she be allowed to attend the Consumer Advocacy meeting to be held in Seattle, WA October 29, 30, and 31. When Ms. Boyd receives the brochure, she is to give it to staff to arrange for her attendance at that meeting.

The Board reviewed and discussed the inquiry from April Guin regarding PTs and PTAs being allowed to use venipuncture in their practices. The Board will respond to Ms. Guin that it is not within the scope of practice currently because it is not taught in the programs, the entry level licensees are not tested on venipuncture and there are no PT/PTA standards in the APTA Guidelines for practice on this issue.

Venipuncture

Ms. Kuramoto reported on her discussion with Mary Jane Harris of CAPTE regarding the use of glucometers. A letter will be prepared to respond to Linda B. Horn, PT and Meredith Ofstead, PT who had inquired whether testing with glucometers was within the standards of practice. Ms. Harris told Ms. Kuramoto testing with glucometers may be taught in some programs but it is not a requirement under CAPTE.

Glucometers

Ms. Janice Hill, PT who was a visitor to the meeting indicated that she works in a cardiac rehab unit where the physical therapists are taught the use of the glucometer and prove proficiency in its use with patients.

A letter from John Romero, PT outlining his many family problems during the past several months leading to his inability to complete continuing education by the deadline of March 31, 2007 for renewing his license was reviewed and discussed. Mr. Romano will be told that the Board does not have the ability to waive the continuing education deadline.

John Romero

Lopa Banerjee, PT inquired of the Board about appropriate supervision of PTAs. A response will be drafted to explain the current PTA supervisory requirements. In addition she did not seem to be aware of the appropriate re-evaluation requirements for PTs and seemed to be confusing medicare guidelines with requirements of the State Practice Act.

**PTA
Supervision**

The Washington State Supreme Court ruled on Burden of Proof in an Administrative hearing and this information was presented to the Board. Ms. Tyminski reported that Tim Paulus, Deputy Counsel for Board prosecutors had indicated that this is an old issue. He does not think the ruling will affect this Board adversely in the future as he believes the National Supreme Court will find that the preponderance standard is acceptable if indeed they deal with the issue at all.

**Burden of
Proof**

A letter of apology from Patricia Wright, PT enclosing her \$89 fee for not attending the CEU course offered on March 9 was reviewed by the Board. Ms. Wright was unable to get off from work even though she had registered for the course. Letters from Victoria Mitchell, PT, Eliza Lobo, PT, and Lisa Costello, PT expressing displeasure at being charge the fee for not attending the course were also reviewed. The Board's position is that the charging of a fee for non-attendance was clearly printed on the brochure as well as contact information for the Board office. Therefore

**CEU Course
Fee**

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the Board will advise those individuals that the \$89 fee must be paid and that the Board does not have the ability to renew a license for an individual who owes outstanding fees.

The minutes of the Legislative Committee held on April 10, 2007 were reviewed and approved with the change that Ms. Kuramoto said she was not opposed to abolishing temporary licenses but that she was concerned that graduating students be given sufficient advance notice of this fact. Ms. Tyminski presented the continuing education regulation proposal and will incorporate the other changes submitted by the Legislative Committee. After discussion the Board agreed that temporary licenses no longer make any sense and certainly are not a protection for the public since many exam candidates fail the exam the first time and therefore cannot work in their profession until they do pass the exam. The program director for the Chesapeake Consortium PTA program, Dave Thomas, expressed his support for abolishing temporary licenses. A proposal to change the statute on this issue only will be sent to DHMH within the required time frame this summer. APTA will also be notified of pending legislation. Ms. Bethman advised against making any other practice act proposals for change. The other main focus of discussion regarding Legislative Committee actions was whether or not to charge licensees for review of continuing education courses. The Board voted not to charge licensees but the request must be in the office one month prior to the date of the course. On a motion made by Ms. Kuramoto to charge licensees \$10 per course review, there were two nay votes, one pro vote, and two abstentions. There will be no charge for course reviews.

**Legislative
Committee**

The Board reviewed and discussed the Medical Records regulation proposal and although they felt that the penalties were excessive, the Board decided not to comment. Ms. Bethman explained the Board incorporates the Medical Records Act into its statute and has been successful in enforcing compliance Through informal means not disciplinary action.

**Medical
Records**

Mrs. Tyminski reported on legislative actions, specifically the Dental Board Bill, the passage of the Professional Corporations bill to include physical Therapists, and the failure of the salary setting authority bill. There was brief discussion on the sunset review for the Physicians Board that will set a minimum of grade 16 for investigators for that Board. The Board directed that Ms. Tyminski try to see if Ms. Hollinger, newly appointed by the Secretary to perform coordinative functions for the Boards, will ask the Secretary to change the classifications of all Board administrators. The Board will also write a letter of support on this issue.

**Legislative
Session**

The FSBPT advises that a foreign educated person who enters a DPT program in the U.S. should be credentialed as a foreign educated applicant to ensure that the core physical therapy program meets the requirements for licensure in Maryland. Ms. Bethman advises that the Board change its licensure requirements to reflect that the Board reviews the core program.

**Foreign
Educated**

Newsletter articles were received from Stephen Ryan, PT and Shirley Leeper, PTA and will be included in the summer newsletter. The Board is awaiting an article from Consumer member, B. Darren Burns.

**Newsletter
Articles**

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The Board noted the income summaries reflecting renewal application fees. Ms. Aaron indicated one-third of the licensees due to renew have done so with the majority being renewed online. The comments were positive for the most part and the critical comments were helpful so that there can be improvements made to our system.

**Income
Summaries**

Informational items such as the H-1B cap for FY 200, FSBPT Changes in Healthcare Professions' Scope of Practice Legislative Considerations, Appointment of Paula Hollinger, Request for Permanent Positions, Animal Physical Therapy in Colorado, and FSBPT recruitment for standard setting task force were reviewed and commented upon.

Information


The Board ended the Open Session at 3:15 p.m. to enter into the Administrative Session at 3:31 p.m.

There being no further business, the Board adjourned at 4:15 p.m.

Respectfully submitted,


Ann E. Tyminski, Executive Director

Date May 15, 2007


Margery F. Rodgers, PT, Board Chairperson